



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1998

Ms. Jacquelyn Middlebrooks  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
501 Police & Courts Bldg.  
Dallas, Texas 75201

OR98-3182

Dear Ms. Middlebrooks:

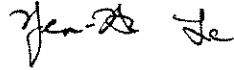
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121060.

The City of Dallas Police Department (the "department") received a request for a legal opinion issued by the city's attorney's office relating to the parking of boats, trailers, and trucks in a residential neighborhood. You have released some of the requested information. You claim that portions of the requested information are excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the information submitted.

Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). Section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. We agree that the information you have marked is excepted from public disclosure by section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 121060

Enclosures: Submitted documents

cc: Mr. Anthony J. Edl  
5968 Rosebud Drive  
Dallas, Texas 75252  
(w/o enclosures)